

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MINUTES
JANUARY 13, 2021**

At 7:35 p.m., Mr. Newman called the meeting to Order.

The Secretary read the Adequate Notice and the additional Noticing required by the Township.

Salute to the Flag.

Attorney Steib swore in appointed Members: Mayor Dorfman, Deputy Mayor Grbelja, Ms. Pat Butch, as the Mayor's Designee, Mr. Kevin Youngs as Alternate II.

Roll Call: Present: Beck, Curtis, Dorfman, Grbelja, Newman, Oxley, Pado, Pepe, Pinney, Ziner and Youngs
Absent: None

APPROVAL OF MEETING MINUTES: December 9, 2020

The Meeting Minutes having been distributed for review and comment, the Board Secretary announced that a few grammatical changes were subsequent to this meeting. These changes were not substantive.

Ms. Curtis made the Motion to approve the Meeting Minutes and Ms. Oxley offered a Second: Roll Call Vote: Curtis, Oxley, Pado, Pinney and Newman voted yes to approve.

APPROVAL OF MEETING MINUTES: December 16, 2020

Meeting Minutes tabled to the February 10, 2021 Meeting.

PUBLIC COMMENT PORTION: At 7:37 p.m., Chairman Newman opened the Meeting to the public for any public comment they may have excluding the applications that are on the Agenda for the Board to consider this evening. Seeing none, he closed that portion at the same time.

ELECTION OF OFFICERS:

Chairman - Nominations for the Chairman were open. Mr. Pepe made a Motion to nominate Mr. Newman as Chairman and Deputy Mayor Grbelja offered a Second. Seeing no other nominations for Chairman, by unanimous vote, the nominations for Chairman are closed. Roll Call Vote: Pepe, Grbelja, Dorfman, Pado, Beck, Oxley, Curtis, Ziner and Pinney voted yes to elect Mr. Newman.

Mr. Newman thanked the Board.

Vice-Chairman - Nominations for Vice-Chairman were open. Chairman Newman made a Motion to nominate Mr. Pepe as Vice-Chairman and Ms. Curtis offered a Second. Seeing no other nominations for Vice-Chairman, by unanimous vote, the nominations

for Chairman are closed. Roll Call Vote: Newman, Curtis, Dorfman, Grbelja, Beck, Pado, Oxley, Ziner and Pinney voted yes to elect Mr. Pepe.

Mr. Pepe thanked the Board.

Board Secretary - Nominations for Secretary were open. Ms. Curtis made a Motion to nominate Pam D'Andrea as Secretary and Ms. Oxley offered a Second. Seeing no other nominations for Secretary, by unanimous vote, the nominations for Secretary are closed. Roll Call Vote: Curtis, Oxley, Newman, Beck, Dorfman, Grbelja, Pado, Pepe and Ziner voted yes to appoint Mrs. D'Andrea as Secretary.

Mrs. D'Andrea thanked the Board.

Professionals:

The Board next considered nominations for its professionals. Chairman Newman advised that the Board has a fair and open bidding process. No bids outside of the current professionals' bids were received. The Board professionals do an outstanding job.

Board Attorney: Deputy Mayor Grbelja made a Motion to re-appoint Michael B. Steib, Esq. of Michael B. Steib, PA and Vice-Chairman Pepe offered a Second. Roll Call Vote: Grbelja, Pepe, Beck, Curtis, Dorfman, Newman, Pado, Oxley and Ziner voted yes to reappoint Michael B. Steib, Esq. of Michael B. Steib, PA as Board Attorney.

Mr. Steib thanked the Board.

Board Engineer – Deputy Mayor Grbelja made a Motion to re-appoint the Engineering firm of Leon S. Avakian, Inc. with Matt Shafai, P.E. as the principal engineer for the position of Board Engineer and Ms. Curtis offered a Second. Roll Call Vote: Grbelja, Curtis, Beck, Dorfman, Newman, Pado, Pepe, Oxley, and Ziner voted yes to appoint Matt Shafai, P.E. of Leon S. Avakian, Inc. as Board Engineer.

Board Planner – Chairman Newman made a Motion to re-appoint the firm of Heyer, Gruel and Associates with McKinley Mertz, P.P. as the principal planner for the position of Board Planner and Ms. Oxley offered a Second. Roll Call Vote: Newman, Oxley, Beck, Curtis, Dorfman, Grbelja, Pado, Pepe and Ziner voted yes to appoint Planner McKinley Mertz, P.P. of Heyer, Gruel and Associates as Board Planner.

Court Reporter – Chairman Newman made a Motion to nominate Angela Buonantuono of AB Court Reporting, LLC as Board Court Reporter and Vice-Chairman Pepe offered a Second. Roll Call Vote: Newman, Pepe, Beck, Curtis, Dorfman, Grbelja, Pado, Oxley and Ziner voted yes to appoint Angela Buonantuono of AB Court Reporting LLC as Board Court Reporter.

Designation of the Official Newspapers

Chairman Newman made a Motion to nominate the Asbury Park Press and The Times of Trenton as the official Board Newspapers and Mr. Pado offered a Second. Roll Call Vote: voted yes to the designations.

Regular Monthly Meeting Schedule

The Board having reviewed the proposed monthly meeting schedule, Chairman Newman made a Motion to adopt the regular monthly meeting schedule and Deputy Mayor Grbelja offered a Second. Chairman Newman read the dates into the record. Roll Call Vote: Newman, Grbelja, Beck, Curtis, Dorfman, Pado, Oxley, Curtis, Beck, Pado, Pepe and Ziner voted yes to adopt that Regular Monthly Meeting Schedule to be held on the following dates in 2020 and the first meeting date in 2021 beginning at 7:30 p.m. as follows:

January 13, 2021	July 14, 2021
February 10, 2021	August 11, 2021
March 10, 2021	September 8, 2021
April 14, 2021	October 13, 2021
May 12, 2021	November 10, 2021
June 9, 2021	December 8, 2021
	January 12, 2022

TO PARTICIPATE IN THE LIVE MEETING: During the public comment section of the meeting, individuals will need to virtually “raise” their hand to participate.

For access from a desktop, laptop or the zoom app:

You will need to utilize the zoom controls at the bottom of the Zoom Window to “raise” your hand. The moderator will announce your designation and relay it to the board. Once the board acknowledges, you will be unmuted. Once the discussion has concluded, you will be placed back on mute and the board will proceed to the next public comment.

For access from the phone number:

You will need to dial *9 on your phone. This will notify the moderator of your designation. Once the last three digits of your phone number are read and acknowledged by the board you will be unmuted. At the conclusion of your discussion, you will be placed back on mute and the board will proceed to the next public comment.

This meeting is being held remotely as the conditions attendant to the emergency compromise the safety of board members and members of the public if the meeting were conducted in person.

Members of the public have the option to attend the meeting either by using a device (PC, laptop, tablet or smartphone) or by dialing in via telephone.

Attending Using a Device

If attending using a device, you will be able to see and hear the members of the Planning Board while they conduct the meeting. Your microphone will be muted and you will NOT be seen by the Planning Board or any other meeting attendee. By clicking on the Q&A icon, you may submit comments or questions throughout the meeting. Your comment or question will be read aloud during the Public Comment portion of the meeting.

To join the meeting use the link on the Millstone Township Planning Board web site home page <https://www.millstonenj.gov> or join the meeting at:

Join Zoom Meeting

<https://us02web.zoom.us/j/9225936112>

Meeting ID: 922 593 6112

One tap mobile

+19292056099,,9225936112# US (New York)
+13017158592,,9225936112# US (Germantown)
Dial by your location

- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Germantown)
- +1 312 626 6799 US (Chicago)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 922 593 6112

Find your local number: <https://us02web.zoom.us/j/kchOGRTFx1>

Attending via Telephone

If attending via telephone only, you will be able to hear the Planning Board while they conduct the meeting. Your microphone will be muted. During the Public Comment portion of the meeting, you will be identified by the last four digits of your phone number and will be invited to make a comment. Your microphone will be unmuted at this time. Use one of the following phone numbers to join the meeting.

Please be advised that, pursuant to New Jersey Administrative Code section N.J.A.C. 5:39-1.4(d) and N.J.A.C. 5:39-1.7(c) all individuals giving sworn testimony must appear by both video and audio.

Pursuant to N.J.A.C.5:39-1.4(f) members of the public may submit comments to the Board secretary by electronic mail at p-dandrea@millstonenj.gov or in written letter form at 470 Stage Coach Road, Millstone Township, N.J. 08510 at least two (2) business days prior to the meeting date. Comments timely submitted shall be read aloud at the meeting audible to all meeting participants and the public, subject to the same time limits as are placed on public comments.

All plans, maps and papers regarding this matter are on file with Planning Board and are available for public inspection on the Millstone Township Planning Board website at <http://www.millstonenj.gov/boardsnotices.html>

If you have any questions prior to the meeting regarding Zoom Conferencing feel free to contact Board Secretary Pamela D'Andrea at p-dandrea@millstonenj.gov during normal business hours who will be hosting the meeting.

P19-02 BABBITT/MESHKI – Block 51, Lot 8 known as 2 Carrs Tavern Road consisting of 38.75 acres located in the R-80 Zoning District. Applicant seeks minor subdivision approval to create two lots; Lot A , consisting of 10.16 acres fronting Carrs Tavern Road and Lot B consisting of 28.50 acres with two frontages on Millstone Road. Lot A requires no variance relief. Lot B requires 4 variances, lot frontages where 200 ft. is required where 100.44 ft. is provided; minimum lot width is 200 ft. and 50 ft. is provided. Deemed Complete 3-20-20. Extensions of Time granted through 1-31-21. Noticing required.

Attorney Steib Entered the following exhibits into evidence:

- A-1 Noticing Packet
- A-2 Application dated 3-19-19

- A-3 Wetland Delineation Plan Prepared by Crest Engineering dated 12-19-16
- A-4 Survey prepared by Crest Engineering dated 12-19-16
- A-5 Aerial prepared by Crest Engineering dated 1-21-19
- A-6 Minor Subdivision Plat prepared by Crest Engineering dated 1/21/19, last revised 12-27-19
- A-7 EIS prepared by Crest Engineering dated 1-21-19
- A-8 Soil Logs prepared by Crest Engineering dated 6-6-18
- PB-1 Engineering report dated 3-10-20
- PB-2 Planner's Report dated 5-4-20

Attorney Steib swore in the applicant, John Babbitt 311 Fortune Avenue Brick, New Jersey.

Mr. Babbitt explained that he wanted to subdivide the property with frontages on Carrs Tavern. He would like to construct a home for his daughter. He provided that he has natural gas available on Millstone Road but not on Carrs Tavern Road.

Attorney Steib swore in Engineer Shafai. Engineer Shafai advised that the property consists of 28 acres, 10 acres of which fronts on Carrs Tavern Road. There is an existing house on that property with no variances needed in that location. The remaining property is over 18 acres with a buildable area of 11.8 acres. The lot has two frontages on Millstone Road which exist, and they are 50 feet that open to 100 feet. This could have been a former subdivision that never took place.

The variances needed are for those two access points that exist but do not conform to the zone.

Chairman Newman asked about the northerly entrance seems to have wetlands. The southerly access point does not. Mr. Babbitt advised that they use the southerly access.

Chairman Newman clarified that the northerly access point will not be used, and Mr. Babbitt stated that it would not be used.

Chairman Newman asked the Engineer and Planner if the northerly access were not to be used, would a variance still be required. Planner Mertz advised that it is a pre-existing, non-conforming situation. It would still be required, and she does not see a problem with it.

Regarding the firewood, Mr. Babbitt has a driveway, or a paper street that he uses presently to process firewood.

Engineer Shafai advised that they have performed soil testing, they have the wetland area delineated. Engineer Shafai advises that conditions of approval would be for the

applicant will have the wetlands placed in a conservation easement and that area will be monumented

Attorney Steib advised that the variances are pre-existing conditions but because Mr. Babbitt is subdividing now, they are new conditions to the new lots that are being created so the variances are required.

Deputy Mayor Grbelja has concerns with the 50-foot driveway.

Planner Mertz provided that when looking at subdivisions it is important to view environmental issues.

Planner Mertz understands the Deputy Mayor's concern with the driveway. She wants to make sure that the neighbors are not impacted by the driveway extending to the road and make sure they neighbors are not negatively impacted by the small driveway. Deputy Mayor Grbelja advises that this is a County road which has more traffic. Engineer Shafai advised they the applicant will need County approval for the driveway.

Attorney Steib swore in Planner Mertz.

Mr. Babbitt advised that he had spoken to one neighbor regarding this project who has no concerns with the application.

Chairman Newman asked the Planner Mertz to provide her assessment of the proposed project. Planner Mertz advised the zone has a requirement for lot width and frontage. Both driveways are 50 feet wide. Minimum lot width is 250 feet. She explained that they look at the positive criteria in evaluating a variance as well as negative criteria. For positive criteria, is the hardship variance which addresses the shape of the lot, size and hardship characteristic. The Broad C variance requires that the granting of the variance furthers the purposes of the MLUL. The negative criteria are looked at to ensure that the variances can be granted without impacting the zoning ordinance and Master Plan.

Planner Mertz qualifies that this application falls under the hardship standard because the lot is located behind existing behind homes that front the street. The two driveways are exiting and not created by the applicant. The lot meets the criteria of the minimum lot size. Due to the location of the wetland area, the driveway cannot be located elsewhere on the property. The negative criteria of the driveway are that it can be granted without detriment to public good because the northerly driveway will not be used as Mr. Babbitt testified. The southerly driveway is the one that will be used as the main entrance. Planner Mertz would like to see if any neighbors have issues with the driveway. Entrance onto Millstone Road would be under the County jurisdiction.

Vice-Chairman Pepe asked how the applicant came to acquire this property. Mr. Babbitt explained that he owned one of the properties along the road, renovated it and sold it. He had contacted the owner of the property in this application and he explained that he renovated the property along Carrs Tavern and his daughter lives there presently.

Attorney Steib asked Engineer Shafai if the driveway coming off Millstone Road will have any problem with emergency vehicles using this road. Engineer Shafai stated no.

Deputy Mayor Grbelja has concerns with building homes behind other homes and she explained.

Engineer Shafai stated that only one home can be built on this lot that would be located behind the existing homes.

Vice-Chairman Pepe stated the concern of flag shaped lots.

The Board would like to see the property north of Applegate to be placed in a conservation easement. Mr. Babbitt represented that he would have no place to store his firewood. The Board discussed placing that area in a conservation easement, eliminating his ability to drive on that area.

Mr. Ziner asked how much land would have to be clear cut to build the home. Mr. Babbitt advised that the area is already cleared. They may have to remove some trees.

Chairman Newman opened the application to the public to hear from any neighbors.

Attorney Steib swore in Gina Pezzino, 409 Millstone Road. Her main concern is with the northern driveway because of the wetlands. She does not want to see any of that disturbed. Her home borders the wetlands, she resides at Lot 8.09. She agrees with placing the wetlands in a conservation easement as per Chairman Newman's explanation.

Seeing no other public to comment on the application at 8:30 p.m., Chairman Newman asked for a Motion and a Second to close the public portion. Ms. Oxley made the Motion and Ms. Curtis offered a Second and by unanimous vote the public comment portion was closed.

There was discussion regarding the entrance of the driveway being close to the neighbor's property. Mr. Babbitt advised that he plant a buffer to the back of the existing lots that are there. He will be constructing a beautiful home.

Chairman Newman asked the Board to consider a condition of approval be that the applicant work with our engineer in the 40-foot setback area that will be adequately buffered to the homes in the front.

Mr. Babbitt explained in locating the home, they have already performed the soil percs so moving the home cannot be a great shift due to that test performed.

Mr. Babbitt advised that he has 850 feet frontage on Carrs Tavern Road. Engineer Shafai stated there is 500-foot-long wetland area off Carrs Tavern Road.

The Board discussed the constraints of the lots. The Board Engineer's report asked that the northerly driveway be placed in an easement as per the wetland delineation that was performed.

Chairman Newman provided a Board recap of the application.

Chairman Newman discussed if the Board votes favorably on the application, they are granting approval for minor subdivision that would include compliance with the conditions outlined in the Board Professionals' reports including placing the wetland

area and buffer in a conservation easement and monumenting the area, that the driveway that comes to pass for the southerly entrance is foreclosed from any parking, temporary or permanent, work with the engineer to plant a buffer within that 40-foot setback area, home diameter circle shall be slid away from the existing homes with the guidance from our Engineer, County Planning Board approval for the Road and driveway, Monmouth County Board of Health approval, tax revision fees and right of way deed dedication on Carrs Tavern Road, identify if the applicant intends to cross the wetlands with or without a conservation easement get the appropriate NJDEP permits, etc.

Mr. Babbitt understands that he cannot use the northern entrance due to the wetlands.

Chairman Newman made the Motion that he outlined, Vice-Chairman Pepe offered a Second. Roll Call Vote: Newman, Beck, Dorfman, Grbelja, Oxley, Curtis, Pado voted yes to approve as conditioned. Pepe and Ziner voted no.

Seeing no or old business, Mr. Newman made the Motion to Adjourn and Ms. Oxley offered a Second and by unanimous vote, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Pamela D'Andrea